

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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FRITZ CELESTIN,

Plaintiff,

MEMORANDUM AND ORDER

17-CV-4681 (RRM) (LB)

-against-

CITY OF NEW YORK; NEW YORK CITY
DEP'T. OF CORRECTIONS; CORRECTION
OFFICER MYERS, #15357,

Defendants.

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ROSLYNN R. MAUSKOPF, United States District Judge.

On August 10, 2017, plaintiff *pro se* Fritz Celestin, who is presently incarcerated at the Otis Bantum Correctional Center, located on Rikers Island, filed the instant action pursuant to 42 U.S.C. § 1983. By Memorandum and Order dated October 26, 2017, Celestin's request to proceed *in forma pauperis* was granted and his claims were dismissed for failure to state a claim. *See* 28 U.S.C. § 1915A. (Order (Doc. No. 8).) However, the Court granted Celestin thirty (30) days from the date of the Memorandum and Order to file an amended complaint. More than 30 days have elapsed, and Celestin has failed to respond to the Court's Memorandum and Order.

Accordingly, the Clerk of Court is directed to enter judgment and close the action. *See* 28 U.S.C. § 1915A. The Court certifies pursuant to 28 U.S.C. § 1915 (a)(3) that any appeal from this order and judgment would not be taken in good faith and therefore *in forma pauperis* status is denied for purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

✓ The Clerk of Court is respectfully directed to mail a copy of this Memorandum and Order and the accompanying Judgment to plaintiff Fritz Celestin, *pro se*, at the address listed on the docket and note the mailing on the docket.

SO ORDERED.

Dated: Brooklyn, New York
December 22, 2017

s/ Roslynn Mauskopf

ROSLYNN R. MAUSKOPF
United States District Judge